

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 166 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION I. IC 6-3.5-1.1-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]:
5 Sec. 2. (a) The county council of any county in which the county
6 option income tax will not be in effect on July 1 of a year under an
7 ordinance adopted during a previous calendar year may impose the
8 county adjusted gross income tax on the adjusted gross income of
9 county taxpayers of its county effective July 1 of that year.
10 (b) Except as provided in section 2.5 or 3.5 of this chapter, the
11 county adjusted gross income tax may be imposed at a rate of one-half
12 of one percent (0.5%), three-fourths of one percent (0.75%), ~~or~~ one
13 percent (1%), **or one and one-fourth of one percent (1.25%)** on the
14 adjusted gross income of resident county taxpayers of the county. Any
15 county imposing the county adjusted gross income tax must impose the
16 tax on the nonresident county taxpayers at a rate of one-fourth of one
17 percent (0.25%) on their adjusted gross income. If the county council
18 elects to decrease the county adjusted gross income tax, the county
19 council may decrease the county adjusted gross income tax rate in
20 increments of one-tenth of one percent (0.1%).
21 (c) To impose the county adjusted gross income tax, the county
22 council must, after January 1 but before April 1 of a year, adopt an
23 ordinance. The ordinance must substantially state the following:
24 "The _____ County Council imposes the county adjusted
25 gross income tax on the county taxpayers of _____ County.
26 The county adjusted gross income tax is imposed at a rate of
27 _____ percent (____%) on the resident county taxpayers of the
28 county and one-fourth of one percent (0.25%) on the nonresident
29 county taxpayers of the county. This tax takes effect July 1 of
30 this year."
31 (d) Any ordinance adopted under this section takes effect July 1 of
32 the year the ordinance is adopted.

1 (e) The auditor of a county shall record all votes taken on
2 ordinances presented for a vote under the authority of this section and
3 immediately send a certified copy of the results to the department by
4 certified mail.

5 (f) If the county adjusted gross income tax had previously been
6 adopted by a county under IC 6-3.5-1 (before its repeal on March 15,
7 1983) and that tax was in effect at the time of the enactment of this
8 chapter, then the county adjusted gross income tax continues in that
9 county at the rates in effect at the time of enactment until the rates are
10 modified or the tax is rescinded in the manner prescribed by this
11 chapter. If a county's adjusted gross income tax is continued under this
12 subsection, then the tax shall be treated as if it had been imposed under
13 this chapter and is subject to rescission or reduction as authorized in
14 this chapter.

15 SECTION 2. IC 6-3.5-7-5 IS AMENDED TO READ AS
16 FOLLOWS: Sec. 5. (a) Except as provided in subsection (c), the county
17 economic development income tax may be imposed on the adjusted
18 gross income of county taxpayers. The entity that may impose the tax
19 is:

- 20 (1) the county income tax council (as defined in IC 6-3.5-6-1) if
21 the county option income tax is in effect on January 1 of the year
22 the county economic development income tax is imposed;
23 (2) the county council if the county adjusted gross income tax is
24 in effect on January 1 of the year the county economic
25 development tax is imposed; or
26 (3) the county income tax council or the county council,
27 whichever acts first, for a county not covered by subdivision (1)
28 or (2).

29 To impose the county economic development income tax, a county
30 income tax council shall use the procedures set forth in IC 6-3.5-6
31 concerning the imposition of the county option income tax.

32 (b) Except as provided in subsections (c) and (g), the county
33 economic development income tax may be imposed at a rate of:

- 34 (1) one-tenth percent (0.1%);
35 (2) two-tenths percent (0.2%);
36 (3) twenty-five hundredths percent (0.25%);
37 (4) three-tenths percent (0.3%);
38 (5) thirty-five hundredths percent (0.35%);
39 (6) four-tenths percent (0.4%);
40 (7) forty-five hundredths percent (0.45%); or
41 (8) five-tenths percent (0.5%);

42 on the adjusted gross income of county taxpayers.

43 (c) Except as provided in subsection (h) or (i), the county
44 economic development income tax rate plus the county adjusted gross
45 income tax rate, if any, that are in effect on January 1 of a year may not
46 exceed one and ~~twenty-five hundredths~~ **one half of one** percent
47 ~~(1.25%)~~ **(1.50%)**. Except as provided in subsection (g), the county
48 economic development tax rate plus the county option income tax rate,
49 if any, that are in effect on January 1 of a year may not exceed one
50 percent (1%).

51 (d) To impose the county economic development income tax, the

appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred twenty-nine thousand (129,000) but less than one hundred thirty thousand six hundred (130,600). In addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

(A) fifteen-hundredths percent (0.15%);

(B) two-tenths percent (0.2%); or

(C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than thirty-seven thousand (37,000) but less than thirty-seven thousand eight hundred (37,800), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than twelve thousand six hundred (12,600) but less than thirteen thousand (13,000), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%)."

Renumber all SECTIONS consecutively.

(Reference is to Senate Bill 166 as printed Jan. 22, 1999.)

